



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 5974**  
Hidenobu YAKU et al. : Attorney Docket No. 2003\_1763A  
Serial No. 10/727,664 : Group Art Unit 1634  
Filed December 5, 2003 : Examiner Thomas J. O'Farrell  
METHOD, PRIMER AND KIT FOR : Mail Stop: **Amendment**  
DETERMINING BASE TYPE

**SUPPLEMENTAL RESPONSE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED  
TO CHARGE ANY DEFICIENCY IN THE  
FEES FOR THIS PAPER TO DEPOSIT  
ACCOUNT NO. 23-0975

Sir:

In further response to the non-final Office Action dated February 15, 2006 and in furtherance to the response filed June 15, 2006, attached herewith is a Declaration under 37 C.F.R. § 132 by Hidenobu Yaku.

The Declaration supports the arguments on pages 15-18 of the June 15, 2006 response against the 103 obviousness rejections. In particular, the Declaration discusses five experiments, which demonstrate the superior and unexpected results of the present invention over the cited prior art. The five experiments (First Experiment - Fifth Experiment) (pages 1-23, including Figs. 1-5), which were attached to the previous response are also attached to the Declaration.

As discussed in the Declaration, the attached experiments demonstrate that the use of the prior art allele specific primers produce false positives, whereas the allele specific primers of the present invention significantly reduce false positives. Based on the results of these experiments, it is clear that the allele specific of the present invention achieve a significantly superior pseudo-positive repression effect over the prior art allele specific primers as represented by Sorenson, and the present invention is novel and unobviousness over the prior art references cited in the Office Action.

Thus, in view of the Declaration and the arguments in the June 15, 2006 response, it is respectfully submitted that the obviousness rejections are untenable and should be withdrawn.

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In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance and early notice to that effect is hereby requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

Respectfully submitted,

Hidenobu YAKU et al.

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**ATTACHMENTS**

1. Declaration under 37 C.F.R. § 132 by Hidenobu Yaku (pages 1-5) (with attached experiments, First Experiment - Fifth Experiment - pages 1-23, including Figs. 1-5).